



Best Practices

News and Information for California Occupational Therapy Practitioners

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Issue 1

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What's new for 2006?

Continuing competency requirements

Looking ahead, OT practitioners must meet the continuing competency requirements authorized by Title 16, California Code of Regulations (CCR) sections 4160 through 4163 when renewing a license or certificate in 2006 and thereafter. Starting January 1, new regulations require you to complete 12 professional development units (PDUs) each year during the renewal period: the 12 months between your birth month in 2005 and 2006. In other words, if you were born in April, you must complete PDUs between April 2005 and April 2006. When you renew again in 2007, the renewal period will be April 2006 to April 2007.

A PDU is defined as an assigned unit of measure granted for completing a professional development activity. The regulations list a variety of professional development activities that count toward meeting the continuing competency requirements. Your 2006 renewal notice will provide space for you to list the courses or activities you completed. You aren't required to send proof of completion of the PDUs, such as course certificates. But you must keep records for four years following the renewal period, in case you're randomly audited by the California Board of Occupational Therapy (Board).

If you maintain certification with the National Board for Certification in Occupational Therapy (NBCOT),

you can use the same PDUs you complete for NBCOT to renew your license or certificate in California, as long as those units fall within your renewal period.



Renewal fee reduction

Good news: The Board has proposed regulations that will dramatically reduce renewal fees, starting in July 2005. Your fees support all of our programs that include but are not limited to:

- Processing applications and issuing initial licenses, certificates, limited permits, and advanced practice certifications
- Enforcing laws and regulations governing your profession and taking action against practitioners who engage in unprofessional conduct
- Setting standards to protect the public's health and welfare
- Working with professional organizations to ensure education and training reflect current practice
- Facilitating consumer outreach to educate the public on what occupational therapy is and what it can do for you

When the Board began operations in 2001, \$610,000 was borrowed from the State's General Fund. License and renewal fees were set at the statutory limit of \$150 to repay the loan in three years and to establish a stable fund condition that would support the many functions of the Board. With that mission accomplished, we're now in a position to reduce renewal fees.

When our recommended regulations take effect, the renewal fee for fiscal year 2005/06 will be only \$10. If you do not renew on time, a delinquent fee of \$5 will be added. (However, please don't let your license/certificate lapse, just because the delinquent fee is so low. Remember, it's still against the law to practice without a current and valid license or certificate.) From 2006/07 forward, your annual renewal fee will be \$70, with a delinquent fee of \$35.

Why the big difference between 2005/06 and 2006/07? There is enough money in the fund to support the Board's activities at the lower rate through June 2006. If renewal fees were left at \$10, expenditures would exceed revenues in 2006/07, and the Board could not fully fund our mandated operations.



RENEWAL FEE UPDATE

The fee decrease which was anticipated to become effective July 1, 2005 has been delayed. Updated information regarding the fee reduction will be posted on the Board's website at **WWW.BOT.CA.GOV**.

At this time there is not a fee change.

New regulations in effect

Regulations are rules that implement and interpret California's Occupational Therapy Practice Act (OTPA). They have the same effect as law. All of the Board's regulations are found in Title 16, Division 39 of the CCR.

Our Summer 2004 newsletter reported several regulations in the works. Many of them are now in effect and are summarized below. You will receive a booklet later this year that includes the OTPA, CCR and other relevant laws and regulations. In the meantime, you can view the OTPA and all current rules on the Board's web site (www.bot.ca.gov) under the Laws and Regulations link.

CCR section 4123 – Limited Permits. This regulation identifies the conditions under which a limited permit may be issued, the time frame for taking and passing the national examination, and what happens if the limited permit holder is unsuccessful in passing the exam on his or her first attempt.

CCR sections 4180 through 4184 – Supervision of Occupational Therapy Assistants, Limited Permit Holders, Students, and Aides.

These regulations identify supervision parameters, treatments that can be performed by those being supervised, and tasks that can be delegated to aides.

CCR section 4144 – Disciplinary Guidelines. Administrative law judges and the Board both use disciplinary guidelines to determine the appropriate level of discipline when a licensee or certificate holder commits an act of unprofessional conduct that warrants revocation, suspension or placing the license on probation to protect the public.

CCR sections 4160 through 4163 – Continuing Competency Requirements. These regulations define continuing competency, and specify that, effective January 1, 2006, as a condition of license/certificate renewal, each practitioner must have completed 12 PDUs during

the renewal period. The regulations also identify reporting requirements and the conditions under which a practitioner may be exempt from completing the requirements.

Note: Several proposed regulations are making their way through the regulatory process and will likely take effect within the next few months. They're also posted on our web site under the Laws and Regulations link, and include the renewal fee reductions and amendments to the existing advanced practice regulations.

Don't have access to the Internet? Please contact us by email cbot@dca.ca.gov, fax (916) 445-6167 or phone (916) 322-3394 to receive a copy of the proposed regulations.

Changes to the OTPA

- OTPA section 2571, effective January 1, 2005, grants specific authority to occupational therapists to apply topical medications through iontophoresis and phonophoresis, provided the therapist is certified in the use of physical agent modalities, and the treatment was prescribed by the patient's physician, certified nurse-midwife, nurse practitioner or physician assistant. The Board will soon develop regulations to identify approved topical medications and protocols for their use.
- Section 2570.14 was amended to require anyone applying for licensure who has not practiced occupational therapy within the five years immediately preceding his/her application, to either take and pass the national licensing examination or complete continuing competency requirements.
- Section 2570.20(l) was amended, changing the Board's sunset date from January 1, 2007 to January 1, 2008, unless legislation is enacted to extend that date.

Hand Therapy

Distinction between HTC and CHTs

The OTPA requires Board-certification for occupational therapists (OTs) to offer hand therapy services in California. The laws and regulations identify the type and amount of post-professional education and training required to demonstrate minimal or "entry level" competence. Hand therapy certification (HTC) ensures the practitioner has the education and training to practice safely. (To apply for certification, visit our web site and click on the Application link.)

Conversely, Certified Hand Therapists (CHTs) are experts in hand therapy, and the Board recognizes this fact. The Hand Therapy Certification Commission (HTCC) grants certification to OTs who have completed thousands of hours of experience in hand therapy and who have passed a rigorous examination, demonstrating a high level of knowledge, skill and ability. CHTs certified by the HTCC before December 31, 2003, automatically qualified for advanced practice certification by the Board.

Updated provisions for Advanced Practice Certification

The deadline to apply for advanced practice certification under the “substantially equivalent education and training” provisions was September 30, 2004. Here’s what’s now required to receive advanced practice certification in hand therapy:

- 45 contact hours of post-professional education
- 480 hours of supervised on-the-job training

To use physical agent modalities:

- 30 contact hours of post-professional education
- 240 hours of supervised on-the-job training

For swallowing assessment, evaluation and intervention:

- 45 contact hours of post-professional education
- 240 hours of supervised on-the-job training

We have proposed regulations to amend CCR section 4154 by deleting the requirement for Board-preapproval of advanced practice course providers. While the Board still approves advanced practice course providers, we recognize that we should not exclude the many excellent courses available in advanced practice areas, simply because they were not “preapproved.” Under the proposed regulations, coursework that meets the subject matter requirements of law, taught by instructors with expertise in the area, would be accepted.

Other new provisions are proposed to define the supervision requirements for post-professional training. The complete text of the proposed changes is on our web site under the Laws and Regulations link. You’ll find the application for advanced practice under the Advanced Practice link.

It’s a fact

8,085 *Number of OTs licensed in California*

1,433 *Number of OTAs*

1,737 *Number of OTs with advanced practice certification*

Enforcement Actions

The Board is responsible for investigating complaints against licensees, certificate holders and those engaged in unlicensed activity. We also have authority to make final decisions on all enforcement actions taken against licensees and certificate holders.

Listed below are recent enforcement actions taken against OTs and occupational therapy assistants (OTAs) found in violation of the Occupational Therapy Practice Act.

We make every effort to ensure this information is correct. Before making any decision based on this information, please contact the Board. Further information on the specific violation(s) may also be obtained by contacting us at (916) 322-3394.

Greg Burnett, OT 5720, license revoked effective October 23, 2004, for conviction of crimes substantially related to the practice of the license.

Roxanne Chuk, OTA 1401, certificate issued on two years probation effective September 9, 2004. Basis for probation: unprofessional conduct.

Clyde Cooper, OTA 1143, certificate revoked effective February 5, 2005. Basis for revocation: unprofessional conduct.

Alvin Prasad, OT 7530, license issued on five years probation effective April 5, 2004. Basis for probation: conviction of crimes substantially related to the practice of the license.

Terri Schonbrod, OT 6305, license placed on three years probation effective January 1, 2005. Basis for probation: conviction of a crime substantially related to the practice of the license.

Zarana Shah, OT 6529, license placed on three years probation effective January 19, 2005. Basis for probation: conviction of a crime substantially related to the practice of the license.

Shay Yohanan, OT 51, license placed on three years probation effective December 24, 2003. Basis for probation: conviction of a crime substantially related to the practice of the license.

Greg K. Bonogofsky – license denied effective September 4, 2004. Basis for denial: conviction of crimes substantially related to the practice of the license and falsification of an application for licensure.

Timothy A. Stapleton – license denied effective October 24, 2004. Basis for denial: conviction of a crime substantially related to the practice of the license.

Same requirements for private and school-based practitioners

Occupational therapy practitioners offer a significant amount of services to special education students in school districts throughout the State. Since licensing began in January 2002, the Board has received a considerable number of questions from these practitioners and the school districts they benefit. Most of the questions center on whether OTs and OTAs practicing within the school system are bound by the same set of licensing and supervision requirements as therapists working in private settings. In short, yes. There’s only one set of laws regulating the practice of occupational therapy in California.

To ensure both licensees and administrators understand and have access to this vital information, we will distribute an information package to all school districts over the next few months. The material will include licensing requirements, as well as the laws and regulations that affect the practice of occupational therapy.



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History and Purpose

The California Board of Occupational Therapy (Board) was created in 2000 with the passage of the Occupational Therapy Practice Act (OPTA).

The mission of the Board is to regulate the practice of occupational therapy in a manner that protects the wellbeing of the public by:

- Ensuring those entering the profession meet minimum standards of competency through education, fieldwork and examination;
- Defining and upholding professional and ethical standards of practice;
- Informing the public and other entities about the profession and standards of practice;
- Enforcing the laws and regulations governing occupational therapy; and
- Providing effective means for resolving consumer complaints.

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INTERESTED PARTIES LIST

Stay Informed! If you'd like to keep abreast of new, pending, revised or proposed laws and regulations, or dates and agendas of Board meetings, email your name and address to cbot@dca.ca.gov to add your name to our "Interested Parties List." If you're currently on the list but want your name removed, please email us.



Annual Renewal Reminders

Keep the Board informed of your current address.

Fill out, sign, date and return your completed renewal application with the correct fees as soon as you receive it. Processing takes three to six weeks.

Don't forget to answer the question about convictions.

Your license expires on the last day of your birth month. Even though there is a 30-day grace period before a delinquent fee is charged, it is a violation of law to practice with an expired license.